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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/690,394	10/20/2003	Justin Monk	020375-043300US	3753
20350 7590 07/10/2008 TOWNSEND AND TOWNSEND AND CREW, LLP TWO EMBARCADERO CENTER EIGHTH FLOOR SAN FRANCISCO, CA 94111-3834				
EXAMINER HAVAN, THU THAO				
ART UNIT 3693		PAPER NUMBER		
MAIL DATE 07/10/2008		DELIVERY MODE PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/690,394

**Applicant(s)**

MONK ET AL.

**Examiner**

THU-THAO HAVAN

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 April 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1, 2, 4-6 and 8-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-2, 4-6, and 8-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)  
Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**Detailed Action**

***Response to Amendment***

Claims 1-2, 4-6, and 8-21 are pending. This action is in response to the remarks received on April 8, 2008.

***Response to Arguments***

The rejection of claims 1-2, 4-6, and 8-21 under 35 U.S.C. 102(e) as being unpatentable over Arthus et al. (US 2003/0187783) is maintained.

Applicant's arguments filed April 8, 2008 have been fully considered but they are not persuasive.

In response to the arguments concerning the previously rejected claims the following comments are made:

Applicant alleges that the prior art made of record fails to teach a second analysis engine, wherein the second analysis engine is associated with a second stored value product from a different issuer than an issuer of the first stored value product. The examiner disagrees with applicant's representative since Arthus discloses a second analysis engine, wherein the second analysis engine is associated with a second stored value product from a different issuer than an issuer of the first stored value product when he discloses a computer system monitoring the activities of plurality of merchants (para. 0057; 0008; 0030; 0049). In other words, Arthus discloses monitoring credit fraud relating to a plurality of merchants (i.e. issuers as claimed). His system discloses the step of monitor the activities of the merchants with respect to the transactions within

which the merchants participate. In that, he discloses if the investigator desires to monitor the merchant's activity, the investigator may select an add icon to add the merchant to a watch list.

With regards to the claims rejected as taught by Arthus, the examiner would like to point out that the reference teaches the claimed limitations and thus provides adequate support for the claimed limitations. Therefore, the examiner maintains that Arthus taught the claimed limitations.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims **1-2, 4-6, and 8-21** are rejected under 35 U.S.C. 102(e) as being anticipated by Arthus et al. (US 2003/0187783).

Re claim **1**, Arthus teaches an account acquisition fraud management system (para. 0030), the account acquisition fraud management system comprising:

a first analysis engine, wherein the first analysis engine is associated with a first stored value product (para. 0051);

a second analysis engine, wherein the second analysis engine is associated with a second stored value product from a different issuer than an issuer of the first stored value product (para. 0057); and

a cross monitor, wherein the cross monitor is operable to accept a first transaction information from the first analysis engine about a first transaction with the first stored value product and a second transaction information from the second analysis engine about a second transaction with the second stored value product, wherein the first transaction information is provided from the cross monitor to the second analysis engine (para.0057, 0030, 0042, and 0049); and

wherein the second analysis engine is operable to determine a transaction velocity from the first and second transaction information, and stalling the second transaction when the transaction velocity exceeds a velocity threshold (para. 0042).

Re claim **2**, Arthus teaches a computer readable medium accessible to the cross monitor, wherein the computer readable medium includes the first transaction and the second transaction information (para. 0025).

Re claims **4** and **8-11**, Arthus teaches the first transaction information and the second transaction information are selected from a group consisting of: a physical address, a telephone number, a virtual address, and a load source (para. 0012).

Re claims **5** and **12**, Arthus teaches the cross monitor is further operable to maintain the first transaction information is a queue associated with an issuer of the second stored value card product (para. 0057).

Re claim 6, Arthus teaches a method as claimed in claim 1. Therefore the rationale applied in the rejection of claim 1 applies herein. In addition, Arthus teaches a method for detecting fraud in relation to stored value products (para. 0057), the method comprising:

receiving a first suspicious activity indication from a first issuer analysis engine, wherein the first issuer analysis engine is operable to monitor activities occurring in relation to a first plurality of stored value products associated with the first issuer (fig. 9);

receiving a second suspicious activity indication from a second issuer analysis engine, wherein the second issuer analysis engine is operable to monitor activities occurring in relation to a second plurality of stored value products associated with a second issuer different from the first issuer (para. 0058);

maintaining the first suspicious activity indication and the second suspicious activity indication in a global negative file (para. 0043-0044, 0050, and 0006);

receiving an activity request from the first issuer analysis engine, wherein the request includes a transaction information about a current transaction with one of the first plurality of stored value products associated with the first issuer (abstract);

based at least in part on the transaction information, accessing the global negative file (figs. 5a-e);

calculating a transaction velocity based on the transaction information, and the first and second suspicious activity indication in the global negative file (para. 0052);  
and

providing a response, wherein the response indicates whether the current transaction exceeds a velocity threshold (para. 0042).

Re claim **13**, Arthus teaches the response includes at least two of the following: a data of the suspicious behavior, a funding account number, a denial reason, a review status, and a reviewer note (para. 0043-0044).

Re claim **14**, Arthus teaches the response includes an indication of related accounts (para. 0028-0030).

Re claim **15**, Arthus teaches the response is a first response associated with a first account, wherein the global negative file indicates a second account associated with the first account, and wherein the method further comprises: providing a second response to the second issuer associated with the second account (para. 0050).

Re claim **16**, Arthus teaches a system as claimed in claims 1 and 6. Therefore the rationale applied in the rejection of claims 1 and 6 applies herein. In addition, Arthus teaches a system for suppressing fraudulent activity in relation to account acquisition (para.), the system comprising:

a first load monitor associated with a first issuer (para. 0051);

a second load monitor associated with a second issuer (para. 0057);

a first enrollment monitor associated with the second issuer (para. 0030-0038);

and

a cross monitor, wherein the cross monitor is operable to assemble information from the first load monitor or first enrollment monitor, and the second load monitor or second enrollment monitor with a transaction using a first stored value product, and

wherein the cross monitor is operable to determine a transaction velocity for the transaction using the information, and communicate the transaction velocity to both the first issuer and the second issuer (para. 0042).

Re claim **17**, Arthus teaches a request to load value on a stored value product associated with the first issuer is processed at least in part by the first load monitor (para. 0042-0050).

Re claim **18**, Arthus teaches first load monitor is operable to apply a velocity check on a load request (para. 0048 and 010-0011).

Re claim **19**, Arthus teaches first load monitor is further operable to compare the velocity with a predefined velocity limit (para. 0042).

Re claims **20-21**, Arthus teaches first load monitor is operable to provide a detected suspicious activity to the cross monitor (para. 0050).

### **Conclusion**

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any



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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu Thao Havan whose telephone number is (571) 272-8111. The examiner can normally be reached on Monday-Friday from 6am-2pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Kramer can be reached on (571) 272-6783. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct-uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-free).

/Thu Thao Havan/  
Primary Examiner  
Art Unit 3693  
6/25/08



**Application Number****Application/Control No.**

10/690,394

**Applicant(s)/Patent under  
Reexamination**

MONK ET AL.

**Examiner**

THU-THAO HAVAN

**Art Unit**

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